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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,486	10/10/2001	Olavi Pikka	30-551	4107

7590 01/13/2003

Nixon & Vanderhye  
1100 North Glebe Road 8th Floor  
Arlington, VA 22201-4714

EXAMINER

ALVO, MARC S

ART UNIT	PAPER NUMBER
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1731

15

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS 15

# Office Action Summary

Application No.

09/889,486

Applicant(s)

PIKKA ET AL.

Examiner

Steve Alvo

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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The Examiner approves the Drawing corrections.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-13 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 95/04188 or WO 94/12720 in view of the ADMITTED PRIOR ART (instant Fig. 1) or TUOMI for the reasons set forth in Paper No. 8, page 2. It is noted that on page 2, line 4 of the rejection, WO "94/12720, Fig 3" should have been "95/04188, Fig. 3".

It would have been obvious to recycle some of the liquor back to the digester as such is taught by the ADMITTED PRIOR ART, e.g. line going from filtrate tank (below washer (8) back to the bottom of the digester. The filtrate of the ADMITTED PRIOR ART is countercurrent to the flow direction of the pulp and at least part of the filtrate goes back to the digester. It would have been obvious to the artisan that the wash filtrate of WO 95/04188 or WO 94/12720 could be recycled countercurrent to the flow direction of the pulp and at least part of the filtrate could be recycle back to the digester as taught by the ADMITTED PRIOR ART.

The argument that the wash filtrates of WO 95/04188 are not after the process stage is not convincing, as they are recycled from 6 to 7 to 8 to 17. The term "process stage" does not define over the filtrate separation stages of WO/9504188 (16). From Figures 4 and 5 of 95/04188 it would have been obvious to the routineer that the bleach filtrate can also go to the recovery unit. TUOMI and the ADMITTED PRIOR ART also teach separating the filtrate in a "process stage" after the oxygen delignification stage and the washer. The claims are very broad with respect to

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where the filtrates are recycled. For example claim 1, step(c) calls for the CC fraction to be recycled to the same point in the process or "to some point in the process in order to lower the COD-level in the oxygen stage. The later limitation reads on any point in the process prior to the oxygen stage. Step (d) calls for the recycle of the CD fraction to be to recovery, digester or any point where COD and alkali is as high as the CD fraction. This would include any point in the process prior to step (b). Such recycles as broadly claimed would have been obvious to the artisan in view of the art applied, especially in view of the ADMITTED PRIOR ART or TUOMI.

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**Non-Final Fax:** (703) 872-9310      **After-Final FAX:** (703) 872-9311.

When filing an "**Unofficial**" FAX in Group 1730, please indicate in the Header (upper right) "**Unofficial**" for Draft Documents and other Communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers. The "**Unofficial**" FAX phone number for this Art Unit (1731) is (703) 305-7115.

Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is (703) 308-2048. The Examiner can normally be reached on Monday - Friday from **6:00 AM - 2:30 PM (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on 703-308-1164.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **703-308-0661**.

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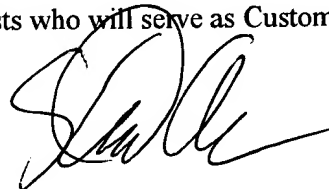
Missing References

Information regarding When Action can be Expected

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**STEVE ALVO**  
**PRIMARY EXAMINER**  
**ART UNIT 1731**

MSA  
1/9/03